



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/874,426 | 06/04/2001 | Brett J. Muir | 5181-76500 | 5677 |

7590 05/12/2005
ERIC B. MEYERTONS
CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT PAPER NUMBER

2674

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/874,426

Applicant(s)

MUIR, BRETT J.

Examiner

Kimnhung Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Appeal Brief Filed on 11-5-2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the appeal brief filed on 11-5-2004, PROSECUTION IS HEREBY REOPENED. A set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. This application has been examined. The claims 1-19 are pending. The examination results are as following.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ramsey et al. (US 6,133,556).

Regarding claim 1, Ramsey et al. discloses in figures 2-4, a computer mouse comprising a heating element (5) configured to generate heat, wherein the input device is configured to transfer heat from the heating element to the hand or wrist of a user of the input device during use (see abstract, see col. 4, lines 3-90).

Regarding claim 2, Ramsey et al. discloses that a further comprising a temperature sensor (see control knob 81, fig. 2) coupled to the heating element (5)

Regarding claim 3, Ramsey et al. discloses that the device comprising a microcontroller (see control 82) coupled to the heating element (5) wherein the microcontroller is configured to control the amount of heat produced by the heating element (see col. 5, lines 9-26).

Regarding claims 4-5, Ramsey et al. discloses further comprising a temperature sensor (81) coupled to the heating element and a microcontroller (82) coupled to the heating element, wherein the microcontroller is configured to control the amount of heat produced by the heating element in response to a temperature monitored by the temperature sensor (see col. 5, lines 9-17).

Regarding claim 6, Ramsey et al. discloses that the input device is coupled to a computer system, and wherein power supply to the heating element is supplied by the computer system (see column 5, lines 21-27).

Art Unit: 2674

Regarding claim 7, Ramsey et al. discloses that wherein the input device comprises an external control device (81), wherein the external control device is configured to allow a user to alter the heat output of the heating element (see col. 5, lines 18-19).

Regarding claims 8-9, Ramsey et al. discloses that the device comprising a plurality of heating elements and the heating elements (5) are distributed and the heating is centralized (see fig. 8, see col. Lines 65-67).

5. Claims 10, 12, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lai (US 6,323,841).

Regarding claim 10, Lai disclose in figure 4, a computer mouse comprising a vibration element (212) configured to generate vibrations, wherein the input device (mouse) is configured to transfer vibrations from the vibrating element (212) to the hand or wrist of a user of the input device during use (see figs 3A-3D, see col. 2, lines 57-61).

Regarding claim 12, Lai disclose the device comprising a microcontroller (see motor 211) coupled to the vibrating (212), wherein the microcontroller is configured to control the amount of vibration produced by the vibrating element (see col. 3, lines 29-50).

Regarding claim 15 Lai discloses wherein the input device is coupled to a computer system, and wherein power to the vibrating element is supplied by the computer (see column 3, lines 22-29, and figure 5, column 3, lines 29-63).

Regarding claim 18, Lai discloses that the vibrating element is centralized.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11, 13-14, rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (US 6,323,841) in view of Moriyasu (US 5,857,986).

Lai discloses a computer mouse comprising a vibrating element configured to generate vibrations, wherein the input device is configured to transfer vibrations from the vibrating element to a user of the input device as discusses above. However, Lai does not disclose a vibration sensor coupled to the vibrating. Moriyasu discloses in figure 1 an interactive vibrator system provide stimulus to a computer user in response to interaction between computer and user with input device as mouse (3) having vibration sensor (see vibrator system senses these signals and generates a driving signal for vibrating device (22, see figure 1, column 3, lines 60-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of vibrator system senses these signals and generates a driving signal for vibrating device as taught by Moriyasu into the computer input device of having the vibrating elements of Lai because this would drive the driving signal and the resulting vibration have variable amplitude and duration depending on the nature of the user actions (see Moriyasu, column 3, lines 65-67).

Art Unit: 2674

8. Claims 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (US 6,323,841) in view of Wright, Sr. (US patent 5,686,005 cited by Applicant).

Lai discloses a computer input device comprising a vibrating element configured to generate vibrations wherein the input device is configured to transfer heat vibrations from the vibration element to a user of the input device as discusses above. However, Lai does not disclose wherein the input device comprises an external control device to allow a user to alter the vibrating element. Wright, Sr. discloses a conventional rheostat and/or thermostat controls (external control device, not shown) can be incorporated to the heat computer system. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of rheostat and/or thermostat controls as taught by Wright, Sr. into the computer input device of Lai having vibrating elements because this would be incorrrporated within the electrical line to achieve and maintain the desired temperature range (see Wright, column 3, lines 64-67).

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai (US 6,323,841) in view of Rosenberg (US 6,353,427).

Lai et al. discloses a computer input device comprising a vibrating element configured to generate vibrations wherein the input device is configured to transfer heat vibrations from the vibration element to a user of the input device as discusses above system. However, Lai et al. does not disclose further comprising a plurality of vibrating elements, wherein the vibrating elements are distributed. Rosenberg discloses the mouse system having comprising a plurality of vibrating elements (see fig. 3, col. 14, lines 58-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2674

implement the using of plurality of vibrating elements a taught by Rosenberg into the system of Lai because this would apply the force to the entire portion of the mouse grasped by the user.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al. (US 6,133,556) in view of Lai (US 6,323,841).

Regarding claims 19, Ramsey et al. discloses a computer mouse comprising a heating element (5) configured to generate heat, wherein the input device is configured to transfer heat from the heating element to the hand or wrist of a user of the input device during as discussed above. However, Ramsey et al. does not disclose a vibrating element configured to generate vibrations, wherein the input device is configured to transfer vibrations from the vibrating element to a user of the input device during use. Lai discloses a vibrating element (212) configured to generate vibrations, wherein the input device is configured to transfer vibrations from the vibrating element to a user of the input device during use as discussed above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the using of a vibrating element configured to generate vibrations as taught by Lai into the system of Ramsey et al. because this would produce the massage to comfort the wrists or hands of the body.

Art Unit: 2674


Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimnhung Nguyen
May 5, 2005



ALEXANDER EISEN
PRIMARY EXAMINER